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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,055	05/08/2007	Armin Kochler	10191/4095	8814
26646 7590 10/15/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER				
ALGAHAIM, HIFAL A				
ART UNIT		PAPER NUMBER		
3663				
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10/15/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/583,055

Applicant(s)

KOEHLER ET AL.

Examiner

HELAL A. ALGAHAIM

Art Unit

3663

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 6/14/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11, 13, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810).**

Regarding claim 11: Andres discloses a method for activating at least one personal protection device as a function of at least one signal derived from at least one acceleration sensor, the method comprising:

using a forward displacement as the at least one signal (see at least col. 3, lines 11-15).

comparing the at least one signal to at least one threshold value surface, which is set as a function of a velocity decrease and a deceleration (see at least col. 3, lines 4-20).

Andres does not explicitly disclose activating the personal protection device as a function of the comparison. **However, Mattes et al discloses this limitation, see col. 5, lines 36-46. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Mattes et al in Andres invention to activate the passenger restraint more accurately.**

Regarding claim 13: The combination of Andres and Mattes et al disclose the method according to claim 11, modifying the threshold value surface as a function of at least one of (a) a signal of an applied external sensor system and (b) at least one characteristic value (see **Andres, col. 6, lines 64-65**).

Regarding claim 15: The combination of Andres and Mattes et al disclose the method according

to claim 11, further comprising setting the threshold value surface as a function of a crash phase (see Mattes, col. 6, lines 20-30).

Regarding claim 20: The combination of Andres and Mattes et al disclose the method according to claim 11, wherein at least one of the steps is performed by a control unit (see Andres, fig. 1).

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810) and further view of Foo et al (Patent Number: 6459366) and Fischer (Pub. No.: US 2003/0197356).

Regarding claim 12: The Combination of Andres and Mattes et al disclose the method according to claim 11, further comprising:

The combination of Andres do not explicitly disclose comparing the forward displacement to a first threshold value which is set as a function of the velocity decrease. However, Foo et al discloses this limitation, see fig. 5. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Foo et al in the combination Andres and Mattes et al for a better control of occupant protection devices.

The combination of Andres and Mattes et al in view of Foo et al do not explicitly disclose comparing the forward displacement to a second threshold value which is set as a function of the deceleration; and simulating the threshold value surface as a function of the comparisons. However, Fischer discloses this limitation, see par. 0047. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fischer in the combination Andres and Mattes et al in view of Foo et al for a better control

of occupant protection devices to discriminate between events for deploying airbags more accurately.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810) and further view Yeh et al (Patent Number: 6549836).**

Regarding claim 14: The Combination of Andres and Mattes et al disclose the method according to claim 11, but do not explicitly disclose modifying the threshold value surface as a function of at least one of a crash type recognition and a crash severity recognition. **However, Yeh et al discloses this limitation, see abstract and col. 8, lines 8-21. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Yeh et al in the combination Andres and Mattes et al to improve the occupant safety.**

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Andres (Patent Number: 6236922) in view of Mattes et al (Patent Number: 5014810) and further view of Foo et al (Patent Number: 6459366) and Fischer (Pub. No.: US 2003/0197356).**

Regarding claims 16-19: The combination of Andres and Mattes et al do not explicitly. **However, Foo et al discloses this limitation, see below. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Foo et al in the combination Andres and Mattes et al for a better control of occupant protection devices.**

Regarding claim 16. The method according to claim 15, wherein, if a predefined velocity decrease is reached, a first number indicating whether the forward displacement has reached the threshold value surface is awaited (**Foo et al discloses this limitation, see fig. 5**).

Regarding claim 17. The method according to claim 11, further comprising comparing at least one of the forward displacement and the velocity decrease with a third threshold value (**Foo et al discloses this limitation, see fig. 7**).

Regarding claim 18. The method according to claim 17, wherein the third threshold value is constant over time (**Foo et al discloses this limitation, see fig. 7**).

Regarding claim 19. The method according to claim 11, further comprising estimating the forward displacement using an expansion into a series (**Foo et al discloses this limitation, see fig. 7**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELAL A. ALGAHAIM whose telephone number is (571)270-5227. The examiner can normally be reached on Monday - Friday from 7:30 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A. A./
Examiner, Art Unit 3663

/Jack W. Keith/
Supervisory Patent Examiner, Art Unit 3663